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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RED HAT, INC.,

Plaintiff,

v.

VIRTAMOVE CORP.,

Defendant.

Case No. 5:24-cv-04740-PCP

**STIPULATION FOR EXTENSION OF
TIME FOR DEFENDANT TO RESPOND
TO MOTION TO AMEND COMPLAINT
AND TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE**

Judge Hon. P. Casey Pitts
Location: Courtroom 8, 4th Floor

1 Pursuant to Civil L.R. 6-1 and Your Honor's Standing Order for Civil Cases, Plaintiff Red
2 Hat, Inc. and Defendant VirtaMove Corp. stipulate and request (1) a brief extension of time for
3 VirtaMove to respond to Red Hat's recently-filed motion to amend its complaint and (2)
4 continuance of the Initial Case Management Conference from March 11, 2025 at 1 p.m. to May
5 15, 2025 at 1 p.m., approximately sixty days after the hearing on Red Hat's motion to amend its
6 complaint in response to VirtaMove's motion to dismiss this action.

7 On December 12, 2024, the Court held a hearing on VirtaMove's fully-briefed motion to
8 dismiss for lack of jurisdiction as well as Red Hat's motion for jurisdictional discovery, and took
9 the motions under submission. Dkt. No. 55. After that hearing, on January 13, 2025, Red Hat filed
10 a motion to amend its complaint. Dkt. No. 59. VirtaMove's opposition to that motion to amend is
11 currently due on January 27, 2025, and VirtaMove respectfully requests a two-week extension of
12 this deadline to February 10, 2025. This extension is not sought for purposes of delay, but rather
13 because VirtaMove's counsel handling this briefing was in a jury trial in Texas from January 13-
14 17, 2025, and also has expert reports due in another matter on January 28, 2025. The extension
15 will ensure that the VirtaMove's counsel has sufficient time to review and fully respond to the
16 issues raised in Red Hat's motion. Red Hat has agreed to this extension, and VirtaMove has
17 likewise agreed that Red Hat may have until February 24, 2025 to file its reply. The parties have
18 also agreed that the hearing on the motion should be reset for March 13, 2015 at 10:00 a.m. to
19 allow ample time between completion of briefing and the hearing, as required by Your Honor's
20 Standing Order for Civil Cases. No prior extension has been sought on responding to this motion
21 to amend, and the only other deadline that would be impacted is the initial case management
22 conference, which is addressed immediately below.

23 Because the issues raised in Red Hat's motion to amend impact VirtaMove's motion to
24 dismiss, the parties also respectfully request that the Court continue the initial case management
25 conference to May 15, 2025 at 1:00 p.m. The parties have previously stipulated to two similar
26 extensions, such that the initial CMC was approximately sixty days after the hearing on
27 VirtaMove's motion to dismiss, both of which the Court granted, the latter with a date
28 modification. Dkt. Nos. 33, 53. The parties therefore seek an additional extension of the initial

CMC to comport with Your Honor's practice of allowing the parties to request an extension of "the initial CMC [to] 60 days or more after the hearing" relating to a motion to dismiss. Judge Pitts' Standing Order for Civil Cases at 2. This extension is not sought for purposes of delay, but rather, in the event this case is not dismissed, to ensure the parties have sufficient time to confer pursuant to Rule 26(f) and this Court's local rules, as well as to prepare and submit to the Court a fulsome case management report. This extension will not affect any other pending case deadlines.

Dated: January 23, 2025

Respectfully submitted,

/s/ Amy E. Hayden

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DATED: January 23, 2025

Respectfully submitted,

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FILER'S ATTESTATION

I, Amy E. Hayden, am the ECF user whose ID and password are being used to file this stipulation. In compliance with Civil Local Rule 5-1(i)(3), I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content, and have authorized the filing.

Date: January 23, 2025

By: /s/ Amy E. Hayden
Amy E. Hayden